



Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

The Honorable Esteban E. Torres  
U. S. House of Representatives  
8819 Whittier Boulevard, Suite 101  
Pico Rivera, California 90660

Dear Congressman Torres:

Thank you for the letter dated April 23, 1996, on behalf of your constituent, Bonnie Sue Welch Johnson, regarding the Commission's policies for licensing 800 MHz Specialized Mobile Radio (SMR) systems. Ms. Johnson expresses concern regarding the Commission's decision to redesignate the 800 MHz General Category Pool frequencies. Ms. Johnson also expresses concern about the proposed use of competitive bidding procedures to award future licenses on these frequencies.

On December 15, 1995, the Commission issued a First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rule Making (First Report and Order) in PR Docket No. 93-144, which addressed the treatment of the General Category. In the First Report and Order, the Commission determined that the overwhelming majority of General Category channels are used for SMR as opposed to non-SMR service. In fact, our licensing records indicate that there are three times as many SMR licensees using General Category channels as any other type of Part 90 licensee. The Commission therefore concluded that the most efficient use of the General Category channels would be to redesignate them exclusively for SMR use. Thus, the First Report and Order provided that in the future, only SMR service providers will be eligible for new licenses in the General Category pool. Existing non-SMR licensees on General Category channels will continue to operate under their current authorizations, however, and will be fully protected from interference by new SMR licensees. In addition, the Commission's decision specifies that SMR service providers are no longer eligible to apply for licenses on Business or Industrial/Land Transportation channels. As a result, we anticipate that the First Report and Order will make more spectrum available for licensees such as Ms. Johnson, who are currently eligible, and will continue to be eligible, to apply in the Business and Industrial/Land Transportation categories. For your convenience and information, enclosed is a copy of the Press Release concerning the First Report and Order, which includes a summary of the principal decisions and proposals made.

Thank you for your inquiry.

Sincerely,

David L. Furth  
Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

Enclosure



Federal Communications Commission  
Compliance and Information Bureau  
Los Angeles Office  
18000 Studebaker Rd., Room 660  
Cerritos, California 90703

May 15, 1996

PRB  
93-144  
2636


Honorable Esteban E. Torres  
U. S. House of Representatives  
8819 Whittier Boulevard  
Suite 101  
Pico Rivera, CA 90660

Dear Congressman Torres:

This is in response to your letter on behalf of Bonnie Sue Welch Johnson, Vice President, Haddick's Auto Body and Towing, regarding the reallocation of the 800 MHz General Category Pool to a Commercial-Only Service.

Your inquiry is being forwarded to Louise Murphy, Compliance and Information Bureau, for coordination with the appropriate staff at our headquarters office in Washington, D.C.

Sincerely,

  
J. R. Zoulek  
District Director  
FCC - Los Angeles, CA

Enclosures

DEPUTY DEMOCRATIC WHIP  
COMMITTEE ON  
APPROPRIATIONS  
SUBCOMMITTEES:  
MILITARY CONSTRUCTION  
FOREIGN OPERATIONS, EXPORT FINANCING,  
AND RELATED PROGRAMS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0534**

**ESTEBAN E. TORRES**  
34TH DISTRICT, CALIFORNIA

April 23, 1996

Ms. Catherine Deaton  
Public Service Representative  
Federal Communications  
Commission  
18000 Studebaker Road, #66  
Cerritos, California 90701

Dear Ms. Deaton:

I am writing on behalf of my constituent, Bonnie Sue Welch Johnson, Vice President, Haddick's Auto Body and Towing, City of Industry, California. She has written to complain about the reallocation of the 800 MHz General Category Pool to a Commercial-only service.

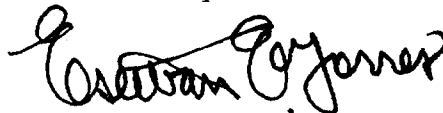
Haddick's Towing has operated on the 800 frequency band as a non-commercial licensee for the past 19 years. The reallocation of the 800 MHz General Category Pool will have a devastating impact on their business. Currently, they have over \$129,000.00 invested in their radio system. Additional expenses, following the reallocation, to purchase air services from a commercial operator are estimated at \$120,000 per year.

I am interested to know if you have received complaints from other private licensees? If so, how is your office handling these complaints? Is there any possibility that this decision can be reversed? What actions can be taken to work to that end?

I would appreciate a reply regarding Ms. Johnson's complaint. Enclosed is a copy of her letter for your review. Please send any correspondence to me at my Pico Rivera district office.

Thank you for your prompt attention and response.

Sincerely,



ESTEBAN E. TORRES  
Member of Congress

EET:mlc  
Enclosure

WASHINGTON OFFICE:  
2368 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0534  
(202) 225-5231

DISTRICT OFFICES:  
8819 WHITTIER BOULEVARD  
SUITE 101  
PICO RIVERA, CA 90660  
(310) 695-0702

LA PUENTE, VALINDA, INDUSTRY  
HACIENDA HEIGHTS AND BASSETT  
(PHONE ONLY)  
(818) 961-3978

MONTEBELLO, EAST LOS ANGELES  
(PHONE ONLY)  
(213) 720-1904

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APR 26 1996

LOS ANGELES FIELD  
CERRITOS, CALIFORNIA

**Haddick's**  
AUTO BODY AND TOWING

March 29, 1996

The Honorable Esteban Torres  
The United States House of Representatives  
8819 Whittier Blvd., #101  
Pico Rivera, California 90660

Re: FCC PR Docket no. 93-144, Redesignation of the 800 MHz General Category Pool to a Commercial-only Service and Proposed Implementation of Competitive Bidding Processes.

Dear Congressman Esteban Torres (34th District):

In the above-referenced proceeding, the Federal Communications Commission has reallocated 150 channels in the 800 MHz band that have been shared jointly by both private and commercial licensees for more than twenty years. The FCC's justification for this aggressive action was simply that the "*overwhelming majority*" of channels were-used for commercial operations. In fact, while there are a significant number of commercial subscriber-based operations, there are also more than 3,400 non-commercial licensees. We happen to be one of the latter who do not use the spectrum to generate business revenues.

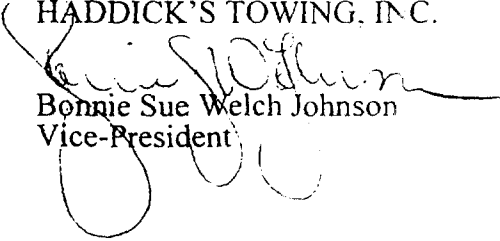
Haddick's Towing has operated on the 800 frequency band for the last 19 years, along with two other companies, for a total of 130 radios on just this one frequency; cancellation of this frequency would not only affect us but the other companies as well. Our company serves the Los Angeles County Metropolitan Transit Authority Freeway Patrol program, Los Angeles County Sheriff's Department, California Highway Patrol and the general motoring public. Without reliable radio communication this company could not provide the type of service required and expected. Haddick's has over \$129,000.00 invested in our radio system. If we are required to purchase from a commercial operator our cost for air services alone would increase \$120,000.00 per year (a Nextell estimated quote), over and above our initial equipment and system cost. This increase would be passed on to the tax paying motorist who are already being choked to death by State and Federal Taxes.

We respectfully request that you urge the FCC to reverse its recent redesignation of the 800 MHz General Category pool. That action alone would preclude the FCC from instituting auction processes in a band that is heavily encumbered by both private and commercial licensees. We are at a loss to understand federal government action that would expose our firm to having to compete for spectrum through auctions when our assigned channels were validly licensed in accordance with existing policy?

Your interest and assistance will be most appreciated.

Thanking you in advance.

Sincerely,  
HADDICK'S TOWING, INC.

  
Bonnie Sue Welch Johnson  
Vice-President

MAR 26 1996